REMARKS

Applicant has had the opportunity to carefully consider the Examiner's comments as set forth in the Office Action mailed July 2, 2007. The Examiner will appreciate that independent claim 11 has been have amended in order to further clarify the claimed disclosure. As such, Applicant respectfully requests reconsideration of the application.

The Office Action

The Examiner rejected claims 1, 5 and 7-20 under 35 U.S.C. § 103(a). The Examiner rejected claims 1, 5, 7 and 8-10 as being unpatentable over Offer (U.S. Patent No. 6,658,094), in view of Ozaki (U.S. Patent No. 5,933,478) and Mousseau (U.S. Application No. 2001/0005864). The Examiner rejected claims 16-18 and 20 as being unpatentable over Ozaki in view of Offer and Mousseau. Finally, Examiner rejected claims 11 and 19 as being unpatentable over Ozaki in view of Offer and Wang (U.S. Patent No. 6,230,042).

The Subject Application

By way of review, the claimed disclosure relates to a mobile device and a method for receiving and rendering an incoming fax message. The claimed disclosure also relates to sending an outgoing fax message through use of the mobile device. The mobile device and the claimed disclosure is configured to accept a fax via a wireless network. The fax is treated as the data call such as a short messaging system message. In an example of the fax receiving scenario, a user would receive a fax while out of the office, not near a PC. Subsequently, the fax is sent to a user's mobile device. The mobile device would store the fax in a fax message database until it can be rendered. The mobile device also may send a fax as the data calls who an intended recipient.

The Cited Art

The Examiner's primary reference is Offer. Offer discloses a method and apparatus for storing voice/fax messages in an intelligent network. A network server receives an incoming call from a subscriber and if the incoming call contains a voice/fax message, a trigger device is used to call up the fax/voice storage service which stores the voice/fax message either in the voice/fax storage server or in a subscriber terminal of the call device. The object of Offer is to provide a method for storing voice/fax messages in the intelligent network. By receiving the call, storing the call in a storage server, starting a timer, and if appropriate signaling is present,

setting a first flag in one of the storage server for call back of the first subscriber when the message is retrieved or when the prescribed timer value is exceeded.

The Examiner cites Ozaki as his secondary reference. Ozaki discloses a data transfer system and a hand held terminal device used therefore. Ozaki discloses a system where a message reception unit receives from a host computer a new arrival message indicating a new arrival of a file. The control unit analyzes the new arrival message to obtain identifier information for identifying the file. The line is then connected to the host computer and is established by a hand held phone transceiver unit. A fax transmitting user designates a designation hand held terminal device and transmits the fax image data to a communication server. The communication server in turn stores the received fax image and transmits a fax arrival message to the pager. The user of the hand held terminal device informed of a fax arrival by the pager, confirms the fax brief image data contained in the message.

The Examiner also cites Mousseau which discloses a system and method for redirecting message attachments between a host system and a mobile data communication device. The system and method is implemented in order to push information from a host system to a mobile data communication device upon sensoring a triggering event. A redirector program, operating at the host system, enables a user to continuously redirect certain user selected data items. The redirector program operates in connection with an event generating application and repackaging system at the host system to configure and detect a particular user defined event. The method involves receiving a message at a host system, separating the attachment from the message, redirecting the message, selecting an attachment displayer and redirecting the attachment from the host system to the selected attachment displayer.

The Examiner also cites Wang, which is directed towards a voice to digital fax transmission. Wang discloses the wireless communication network which includes a mobile station and a base station which are adapted to allow an ongoing voice call to be converted into a digital fax call. Wang also discloses this method without forcing a user to relinquish the line and to re-establish a call for the purposes of transmitting the digital fax. In operation, a call set up is complete for a mobile termination of a fax call that is initiated as a voice call and then changed to include the communication of digital fax signals.

Claim 1 is not unpatentable over Offer in view of Ozaki and Mousseau

Claim 1 has been rejected as being unpatentable over Offer in view of Ozaki and Mousseau. The Examiner claims that the combination of the three cited references discloses that an incoming fax message be treated as a data call. The Examiner specifically cites column 1, lines 53 through 57 of Offer in order to support that assertion. However, it should be noted that Offer explicitly involves a voice/fax message in an intelligent network. Not only does Offer associate the fax message with a voice call and not a data call, Offer explicitly does so throughout the disclosure. Numerous times Offer refers to the incoming call as a voice/fax message. Furthermore, the storage device is a voice/fax storage service. Not only does Offer not disclose treating the fax as a data call, but Offer teaches away from a fax being treated as data. None of the other cited art shows or suggests that the fax message should be treated as data in the same manner that a short messaging system message is received.

Claim 1 also includes language clarifying that a user queue is a short messaging system message. The Examiner also cites Offer as proof that this is shown in the cited art. However, the short messaging system message in Offer is not a user queue associated with the mobile device which is activated showing that incoming fax message is received. On the contrary, the short messaging system communication in Offer is sent during call back to the person that send the message. In the alternative, the claimed disclosure claims a short messaging system message being sent to the user that received the message and is activated as a cue to notify the user of an incoming fax message. In Offer, the short messaging system message is sent to the sender stating that either the timer has expired or that the user has viewed the message. In this sense, the short messaging system message is used in two entirely different ways through these two disclosures. The short messaging system message in Offer cannot be said to suggest the short messaging system used in the claimed disclosure.

Dependent claims 2, 5 and 7-10 are all dependent either directly or indirectly from claim 1. Because claim 1 is in allowable condition, those claims dependent therefrom are also allowable. It is respectfully requested that the rejections to these claims be withdrawn.

Claim 11 is patentable over Ozaki in view of Offer and Wang

The Examiner will appreciate that claim 11 has been amended in order to

include language that defines the fax message as a data call. As stated above, Ozaki and Offer do not include or suggest that the fax message be sent as a data call. Wang does not cure this deficiency.

Dependent claims 12, 13, 14 and 15 are all dependent directly or indirectly upon claim 11. It is therefore respectfully requested that the rejections to these claims be withdrawn.

Claim 16 is patentable over Ozaki in view of Offer and Mousseau

Claim 16, similar to the other independent claims, includes that the fax messages are treated as a data call. As stated previously, neither Ozaki, Offer, Mousseau or any combination thereof disclose or suggest the fax message be treated as a data call. Furthermore, Offer, in particular, explicitly states, numerous times, that the fax message be treated in the same manner as a voice call. Because the cited art does not disclose or suggest the fax be treated as a data call, rejection to this claim should be withdrawn.

Lastly, all dependent claims not previously mentioned in the application, claims 17-20 are either directly or indirectly dependent from claim 16. Therefore, it is hereby submitted that all claims remaining in the application are in condition for allowance. Furthermore, it is hereby requested that the rejections to all claims in the application be withdrawn.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1 and 5-20) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Joseph D. Dreher, at (216) 861-5582.

Respectfully submitted,

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October 2, 2007
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